

COMPLAINTS PROCEDURE FOR STAFF ON BULLYING AND HARASSMENT

Purpose and Scope

Stanfords Training Ltd is committed to providing a learning and working environment that is free from bullying, harassment, discrimination, or victimisation. This policy applies to all employees, trainers, assessors, contractors, and learners.

The purpose of this policy is to ensure that all concerns about bullying or harassment are dealt with promptly, fairly, and in line with UK employment law, the ACAS Code of Practice, and Ofqual/Highfield centre requirements for equality and safeguarding.

Introduction

This procedure is separate from, and different to, the Centre's Grievance Procedure, and provides an alternative route through which complaints of bullying and/or harassment can be brought. Individuals cannot bring complaints under both procedures.

Complaints may be brought under this procedure by the following members of Centre staff:

- The individual making the allegation
- Any manager
- Any witness
- HR Department
- Trades Union representatives

All complaints will be taken seriously and progressed quickly with confidentiality, sensitivity and discretion. Care will be taken during any investigation to protect the interests of both the complainant and the person against whom the complaint is made, and to establish the nature of the problem.

An investigation need not be triggered by a specific complaint. Statistical monitoring, management or Personnel concern may also be sufficient.

Legal Framework

This policy aligns with the following UK legislation and standards:

- Equality Act 2010
- Employment Rights Act 1996
- Protection from Harassment Act 1997
- Health and Safety at Work etc. Act 1974
- ACAS Code of Practice on Disciplinary and Grievance Procedures
- Highfield Qualifications and Ofqual centre approval requirements
- Education and Skills Funding Agency (ESFA) funding rules on staff and learner welfare

Informal Resolution

Every effort should be made by the complainant to use informal means (including informal discussion, writing to the perpetrator, mediation, etc.), to stop the perceived offensive behaviour before the formal stages of the procedure are invoked.

In circumstances where an employee finds this difficult to do on their own, or if they feel unable to confront the individual concerned without support, they can seek support from a HR Representative in confidence, to help them to resolve the problem. Advisors can always be used initially to decide which approaches to explore in the particular situation.

Where an employee is unable or does not wish to deal with the matter as suggested above, or where the above means have proved unsuccessful, any complaint of bullying/harassment should be made in the first instance to the immediate line manager or next line manager, who will seek to assess the veracity and substance of the case, and advise, counsel or conciliate between parties as appropriate. Where an individual feels unable to approach their manager, they may instead involve a member of HR Department for assistance at this stage.

If an outcome has been agreed between parties, the manager (or Personnel Services) will monitor the situation as appropriate.

It is good practice to keep a record of any informal meetings/resolutions, as these may then be used as evidence if a formal complaint is subsequently instigated.

Where appropriate, the solution may involve the provision of training, coaching or counselling.

If the manager decides the matter is sufficiently serious or may constitute misconduct that could warrant formal disciplinary action, they should raise the matter formally under this procedure with HR Department.

Formal Resolution

If the informal approach fails or the nature of the offence is serious, the individual may invoke a formal complaint under this procedure. A formal complaint may also be invoked by others who are aware of the problem.

All formal complaints should be set out in writing to a member of HR Department.

The complaint should clearly state:

- The name of the person against whom the allegation(s) is being made

- The nature of the behaviour complained about
- Dates and times when the offences occurred
- Examples of specific incidents and any supporting evidence (such as e-mails)
- Names of any witnesses to the incident(s)
- Any action taken by you (and/or the recipient of the bullying/harassment, if not you) in an attempt to stop the alleged bullying/harassment

It is expected that complaints would normally be brought under this procedure within three months of any incident. This ensures that details are fresh to all involved, and that speedy resolution can be sought.

It may be appropriate for one or both parties to be on special leave for a period of time during the investigation (for their protection or so as not to obstruct the investigation). The Director of HR Department will make the decision as to whether this is necessary in any particular case. Such leave does not constitute, and should not be perceived as, any form of penalty or judgement, and will be paid. All effort will be made to ensure that the duration of such leave is kept to a minimum, and that appropriate communication is maintained with any member of staff on special leave, to avoid them feeling isolated.

On receipt of a complaint, HR Department will then initiate an independent investigation by two members of staff not previously involved in the matter.

The individual or individuals against whom the complaint has been brought will be notified of the complaint in writing and will, unless there are very exceptional circumstances, be provided with a copy of the complaint. The individual(s) may make a written response to the complaint before the investigation commences.

The investigators will be from outside the relevant department(s), and not directly connected to any of the parties or their managers. They will have received special training in understanding bullying and harassment and will have the appropriate skills in investigating, interviewing, report writing and decision making. If, very exceptionally, circumstances make this approach inappropriate, then alternative, but equivalent, arrangements will be put in place.

The investigators will interview the individual against whom the complaint has been brought, the recipient of the unacceptable behaviour and any other relevant individuals (e.g. witnesses, etc). It is expected that all involved will co-operate fully with the investigation.

Investigators will be given reasonable and appropriate access to relevant documentation to inform their consideration of the case. This might include diary of events; correspondence;

staff review records; sickness absence records; medical letters/reports; other Personnel information.

The investigators will collate all information and present this as a report with their recommendations to the Managing Director as quickly as possible (normally within 15 working days of the commencement of the investigation).

In making recommendations, the purpose will be to resolve the situation. The investigators may recommend that there is no case to answer. The investigators can recommend that the disciplinary procedure be initiated, but not the level of sanction.

The following repair mechanisms will also be considered as potential recommendations (to either the complainant, those complained against, or to any person involved) arising from the investigation:

- Apology
- Career development interviews
- Training (assertiveness skills, confidence building, equality and diversity)
- Mentoring
- Coaching and support
- Mediation to initiate new and improve working relationships
- Secondment opportunities
- Monitoring to ensure no repetition of the problem

The Quality Manager will consider the report and recommendations and decide whether the recommendations should be implemented or amended.

On completion of the investigation, the Quality Manager will inform the complainant and the person against whom the complaint has been made of the process followed, and whether there was a case to answer/the allegations were proven.

It is important to seek to provide closure on the matter, and to this end the complainant will be given relevant assurances that appropriate steps are being taken to address any case found. However, to ensure confidentiality, the complainant will not normally be informed of the specifics of any action taken, or whether it was formal or informal. The question of disciplinary action is a management decision. A complainant cannot insist that a bully or harasser is subjected to the disciplinary procedure; neither can a complainant appeal against the level of any disciplinary action taken against others.

Managers of both parties will also be advised of the outcome as appropriate and will be involved in implementing the decision and monitoring the situation, with guidance from HR Department, as necessary.

Appeals

If either the complainant or the respondent is dissatisfied with the outcome of a bullying or harassment investigation, they have the right to appeal the decision. Grounds for appeal may include a belief that the procedure was not followed correctly, that the decision reached was unreasonable based on the evidence presented, or that the agreed actions or decisions have not been properly implemented.

Any appeal must be submitted in writing to the Managing Director within ten (10) working days of receiving notification of the outcome. The written appeal should clearly outline the reasons for the appeal and include any supporting information or evidence that the individual wishes to be considered.

All appeals will be reviewed by a senior manager or director who has not been previously involved in the investigation or the original decision-making process, to ensure impartiality and fairness. The review will focus on whether the correct procedures were followed and whether the outcome was reasonable in light of the evidence available.

Following the review, the appellant will be informed in writing of the outcome and any resulting actions. The decision made at the appeal stage will be final, and no further internal right of appeal will be available.

ANNEX 1

DIFFERENCES BETWEEN GRIEVANCE PROCEDURE AND BULLYING AND HARASSMENT COMPLAINTS PROCEDURE

The Bullying and Harassment Complaints Procedure has been introduced to provide a reasonably easy and informal route for dealing with issues of bullying and harassment. It differs from the Centre's Grievance Procedure as follows:

- The Grievance Procedure involves a hearing at which both parties may be present; the complaints procedure does not necessarily involve such a hearing
- Grievance Procedure investigations are normally carried out by the line manager or Personnel Manager. The complaints procedure investigations are carried out by specially trained investigators with no direct connection to any of the parties or their managers
- A grievance must be brought by the affected individual; the complaints procedure may be instigated by others



Signed _____

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